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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,001	08/15/2000	Toshiyuki Toyofuku	97049/7D/Lh	1630
1933	7590	12/16/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			AGGARWAL, YOGESH K	
220 Fifth Avenue			ART UNIT	
16TH Floor			PAPER NUMBER	
NEW YORK, NY 10001-7708			2615	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,001

Applicant(s)

TOYOFUKU ET AL.

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 15, 17 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 15, 17 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/09/2005</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Toyoda et al. (US Patent # 4,420,773).

[Claim 12]

Toyoda et al. teaches an electronic image pickup apparatus (figures 19 and 20), comprising a housing having a flat upper surface area (The housing has a flat upper surface, Figures 22 and 23 also shows a flat upper surface) which houses a finder unit [finder unit 512 is located on the front (shown as marked in figure 19) and back face (not shown marked) but is similar to finder 12 shown in figures 1 and 2], an electronic image pickup unit (figure 4, image pick up device 11) and a display device (423), and which is provided with a display device operating member (427) which is used to operate the display device (423), on an outer surface thereof, wherein an image display screen of the image display device is disposed at a rear surface of the outer surface of the housing (See figure 20 shows a rear surface area), an eyepiece window of the finder unit (512),

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located at a left side on the rear surface area of the outer surface of the housing (Figure 20 clearly shows an eyepiece window 512 at a left side on the rear surface area) in a vicinity of an upper end of the rear surface area, the eyepiece window (512) is located above the image display screen (423) of the display device on the rear surface area. The Examiner notes that in order to operate the shutter button 515 and the display operating member 427 the end portion of the housing which is located in a right side of the display screen on the outer surface of the housing is configured to be held by the right hand of a user and the display device operating member (427) located on the right side of the display screen (423) of display device on the rear surface area such that the display device operating member is operable by the thumb of the right hand of the user that holds the right end portion of the housing (See figure 20, it is clear that if the user holds the camera in the right hand so that the thumb can be used to operate the display operating members 427).

[Claim 21]

Toyoda teaches a shutter button 731 (figure 23) on the right side of the flat upper surface area of the outer surface of the housing and an operation button (857) for operating the pickup apparatus is located at the left side of the shutter button (731) on the flat upper surface area.

[Claim 23]

See Examiner rejections regarding claim 12.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al. (US Patent # 4,420,773) in view of Yamaguchi et al. (US Patent # 6,020,982).

[Claim 15]

Toyoda et al. teaches the limitations of claim 12 and a hot-shoe unit (514) for flash but fails to teach a flash unit which is housed the housing and which emits light, and wherein the housing further comprises an electronic flash window which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window arranged at an upper portion front surface area in the outer surface of the housing.

However Yamaguchi teaches an electronic flash (figure 2, element 102) which is housed the housing (figure 2, element 100), and which emits light, and wherein the housing further comprises an electronic flash window which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window arranged at an upper portion front surface area in the outer surface of the housing (See figure 2 col. 10 lines 3-4).

Therefore taking the combined teachings of Toyoda and Yamaguchi, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a flash unit which is housed the housing and which emits light, and wherein the housing further comprises an electronic flash window which allows light emitted from the electronic flash to be projected toward the object, and the electronic flash window arranged at an upper portion of a front surface area in the outer surface of the housing in order to make the unit compact by providing the flash inside the housing instead of outside.

[Claim 17]

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Toyoda fails to teach a signal terminal which is used to output an image signal generated by the electronic image pickup unit and which is arranged a side end area of another end portion of the housing located in a left side of the image display screen on the outer surface of the housing.

However Yamaguchi teaches a signal terminal (figure 14, element 123) which is used to output an image signal generated by the electronic image pickup unit and which is arranged a side end area of another end portion of the housing located in a left side of the image display screen on the outer surface of the housing (col. 12 line 60-col. 13 line 10).

Therefore taking the combined teachings of Toyoda and Yamaguchi, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an image signal generated by the electronic image pickup unit and which is arranged a side end area of another end portion of the housing located in a left side of the image display screen on the outer surface of the housing in order to communicate with external devices like computers with ease.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al . (US Patent # 4,420,773) in view of Yomogizawa et al. (US Patent # 5,172,151).

[Claim 22]

Toyoda teaches the limitations of claims 12 and 21 but fail to teach a photographic information display window located at a left side of the shutter button on the flat upper surface area. However Yomogizawa et al. teaches an information display window (8) located at a left side of the shutter button (16) on the flat upper surface area (figure 1). Therefore taking the combined teachings of Toyoda and Yomogizawa, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a photographic information display window located at

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a left side of the shutter button on the flat upper surface area so that the user may look at a picture from the top easily in a case when an image is being taken from above.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al. (US Patent # 4,420,773) in view of Horigome et al. (US Patent # 5,828,986).

[Claim 24]

Toyoda teaches a battery compartment on the right side and placed on the bottom surface of the camera housing (figure 15b, battery E2) but fails to teach an opening and closing mechanism for inserting and removing and a battery cap is attached to the battery opening such that the battery cap closes the battery opening, and an open position, in which the battery cap is rotated downward from the battery opening to allow the insertion and removal of the battery to and from the battery storage space. However Horigone et al. teaches an opening and closing mechanism for inserting and removing and a battery cap (51) is attached to the battery opening such that the battery cap closes the battery opening, and an open position, in which the battery cap is rotated downward from the battery opening to allow the insertion and removal of the battery to and from the battery storage space (figure 4, col. 7 line 64-col. 8 line 5).

Therefore taking the combined teachings of Toyoda and Horigone, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an opening and closing mechanism for inserting and removing and a battery cap is attached to the battery opening such that the battery cap closes the battery opening, and an open position, in which the battery cap is rotated downward from the battery opening to allow the insertion and removal of the battery to and from the battery storage space in order to use the video camera providing the battery on a portable basis.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.


9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

December 7, 2005

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER